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Chairman: Mr. Enkhsaikhan ..... (Mongolia)

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The meeting was called to order at 10.20 a.m.

Agenda item 155: Measures to eliminate international terrorism *(continued)* (A/53/37, A/53/66–S/1998/115, A/53/71, A/53/72–S/1998/156, A/53/95–S/1998/311, A/53/117–S/1998/371, A/53/131–S/1998/435, A/53/285, A/53/300, A/53/314 and Corr.1, Corr.2 and Add.1, A/53/341, A/53/371–S/1998/848, A/53/489, A/53/532–S/1998/984, A/53/552–S/1998/1010, A/53/560–S/1998/1019 and A/53/646; A/C.6/53/2–7 and A/C.6/53/9; A/C.6/53/L.4)

1. **Ms. Vargas** (Costa Rica), speaking also on behalf of El Salvador, Guatemala, Honduras, Nicaragua and Panama, condemned terrorism in all its forms and manifestations; she also condemned those Governments which provided assistance or haven to perpetrators or instigators of terrorist acts. There was a need for international cooperation in that area. In that connection, at the previous session of the General Assembly, the delegations on whose behalf she spoke had participated in the negotiation and elaboration of the International Convention for the Suppression of Terrorist Bombings. At the current session, they had taken part in the preparation of a draft international convention for the suppression of acts of nuclear terrorism. It was to be hoped that the General Assembly would adopt that important instrument in 1998. Lastly, it was important for all countries to be made aware that no one was safe from international terrorism, as shown by the attacks that had been carried out in that year.

2. **Mr. Pal** (India) stressed that the crime of terrorism had taken on a global dimension. He therefore supported the proposal made at the twelfth summit meeting of the Movement of Non-Aligned Countries, held in Durban, that an international conference on terrorism be convened in 1999 for the purpose of developing a collective programme of action against that crime. The United Nations had taken the first step in that process with its 1994 Declaration on Measures to Eliminate International Terrorism. That instrument must be implemented sincerely and effectively. The General Assembly had taken the second step by adopting resolution 51/210, in which it had decided to establish an Ad Hoc Committee with a mandate to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism.

3. The first of the mandates entrusted to the Ad Hoc Committee in the aforesaid resolution had been completed on 15 December 1997, when the General Assembly had adopted the International Convention for the Suppression of Terrorist Bombings. As to the second mandate, his delegation commended the Russian Federation for presenting a draft international convention for the suppression of acts of nuclear terrorism and urged its early adoption, since the outstanding issues raised by the draft should not delay the third step envisaged in resolution 51/210, namely, the elaboration of a comprehensive convention on international terrorism. The negotiation of such a convention could be based on the draft international convention on the suppression of terrorism submitted by his delegation (A/C.6/51/6).

4. With regard to the draft international convention for the suppression of terrorist financing presented by France (A/C.6/53/9), if the Sixth Committee deemed it appropriate to consider that proposal immediately in order to maintain the momentum of work in the Ad Hoc Committee, his delegation was prepared to cooperate in that effort on the understanding that the next item to be taken up by the Ad Hoc Committee would be the draft international convention presented by India. Lastly, his delegation believed it was significant that, as part of the process of reforming the Organization, the Secretary-General had reconstituted the Vienna-based branches of the Secretariat dealing with international drug control and crime prevention. His delegation concurred with the Secretary-General that the fight against international terrorism should go hand in hand with combating other international crimes, such as drug trafficking, money-laundering and trafficking in arms and persons, taking into account the linkages between them, and that the combined approach to fighting terrorism should be one of the priority areas for the period 1998–2000.

5. **Ms. Efrat-Smilg** (Israel) said that all the international factors which abetted terrorism should be examined carefully. In the first place, terrorism thrived on neutrality. Nations which tolerated or supported the free travel and operation of terrorist organizations on their soil endorsed, by their silence, the use of that heinous tactic worldwide. As outlined in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in General Assembly resolution 2625 (XXV) of 24 October 1970, sovereignty entailed a responsibility not to allow terrorist acts to be organized or prepared in the territory of a State. Second, terrorism fed on itself. If it was supported, tolerated or justified in one case, it would be easier to do so in other cases. Therefore, the misconception

that terrorist acts could be justified or explained by their political aims should be avoided. In that connection, she recalled that the Declaration on Measures to Eliminate International Terrorism, contained in General Assembly resolution 49/60, stated that acts intended to provoke a state of terror were in any circumstance unjustifiable, whatever the considerations that might be invoked to justify them. That idea was echoed in the International Convention for the Suppression of Terrorist Bombings, adopted in the previous year, and in the draft international convention for the suppression of terrorist financing, now under consideration.

6. Third, terrorism fed on money. In its resolution 51/210, the General Assembly had called on all Member States to refrain from financing terrorists. In that connection, her delegation welcomed the proposal put forward by France for the elaboration of a draft international convention for the suppression of terrorist financing, and agreed with other delegations that the proposal should be addressed at the next meeting of the Working Group. In addition, her delegation called on States to lift the veil of terrorist organizations masquerading as charities. While cutting off support to terrorism was a decisive step, much more must be done: terrorism must be fought head on. To that end, the international community had chosen to tackle different aspects of terrorism separately, a strategy which her delegation viewed as constructive and effective.

7. **Ms. Flores Liera** (Mexico), expressing support for the statement made by Panama on behalf of the States members of the Rio Group, reiterated her delegation's strong condemnation of all forms and manifestations of terrorism. She was confident that the perpetrators of the cowardly attacks in Nairobi and Dar es Salaam would be brought to justice in full compliance with the provisions of international law.

8. Since the adoption of the Declaration on Measures to Eliminate International Terrorism, the United Nations had made great strides in combating that scourge. Her country, which was a party to all the current regional and global instruments on international terrorism, was actively participating in the work of the Ad Hoc Committee established by General Assembly resolution 51/210. However, negotiating new binding instruments alone would not be enough to eradicate international terrorism; it must also be ensured that such instruments came into force promptly and were fully complied with. Therefore, such instruments would enjoy the widest possible support from States.

9. Her delegation had endorsed the proposal of the Russian Federation to elaborate an international convention on the suppression of acts of nuclear terrorism, which was in response to a legitimate concern, since international cooperation should be strengthened in order to prevent the use of radioactive and nuclear material for terrorist purposes. At the same time, the elimination of nuclear weapons from the environment would substantially contribute towards the achievement of that goal. Some aspects of the draft, such as article 4, paragraph 2, on which there was a wide divergence of views, required further discussions. In the context of the International Convention for the Suppression of Terrorist Bombings, there had been some justification for the inclusion of that provision because explosives were regularly used by military forces; however, the same did not hold true in the case of radioactive and nuclear materials, which were undoubtedly dangerous and harmful. While her delegation was not in favour of any exclusion, it believed that for the purposes of the instrument, it would be sufficient to exclude from its scope activities under the purview of international humanitarian law.

10. Some delegations had interpreted article 4, paragraph 2, of the draft convention as meaning that the actions of military forces should be totally excluded from the scope of the draft convention. Her delegation did not agree with that position, which, moreover, overlooked commitments under numerous General Assembly resolutions that condemned all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed. Moreover, she was concerned that such interpretation could lead to a sort of legitimization of acts including the use of nuclear or other radioactive material, including nuclear weapons, by the military forces of States. While article 4, paragraph 3, tried to address that concern, its wording was inadequate in the light of the ongoing debate on the lawfulness of the use or threat of use of nuclear weapons by States. Efforts must be made to ensure that an instrument designed to strengthen the campaign against terrorism did not have consequences beyond the sphere of international cooperation.

11. Her delegation was prepared to continue to participate in the consultations in a spirit of compromise in order to resolve the outstanding differences and ensure that, if possible, the Convention on the Suppression of Acts of Nuclear Terrorism could be adopted at the current session.

12. **Ms. Hallum** (New Zealand) said that she wished to reaffirm her delegation's unequivocal condemnation of terrorism in all its forms and manifestations, whatever its origins and whether perpetrated by individuals, groups or States. She confirmed her delegation's determination to participate in the fight against terrorism by every means possible, consistent with human rights and the rule of law.

The recent tragic events in Nairobi and Dar es Salaam had underlined the fact that the battle against terrorism was far from over. In order to prevent similar attacks from happening in the future, the response to terrorism must be decisive and unequivocal. The international community had a duty to ensure that there were no safe havens for terrorist groups. Universal commitment to the network of anti-terrorist instruments must be a fundamental objective of all members of the international community.

13. New Zealand was a strong and active supporter of multilateral measures against terrorism and was a party to five of the 11 counter-terrorist conventions. The New Zealand Parliament was currently considering legislation to implement the provisions of three more of those conventions: the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988); the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988); and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal, 1988).

14. Her delegation had welcomed the adoption of the International Convention for the Suppression of Terrorist Bombings. The partial exclusion from the scope of that Convention of certain actions of military forces in no way affected the important principle that members of military forces of a State might be held individually criminally responsible, whether or not the State of which they were nationals was also responsible for their actions. The applicability of that principle was made very clear in the preamble and operative provisions of the Convention.

15. New Zealand had also been actively involved in the negotiations taking place on a convention on the suppression of acts of nuclear terrorism. Once adopted, that convention would be an important addition to the existing framework of anti-terrorist instruments. Her delegation was of course aware that there were some aspects that remained to be resolved, for instance, the concerns expressed by some delegations that the draft convention might contradict the efforts being undertaken in the fields of nuclear disarmament and nuclear non-proliferation. Her delegation's position regarding nuclear weapons was well known. In accordance with international policy and existing instruments, it considered that nuclear weapons were not legitimate in any circumstances. Her delegation supported the advisory opinion of the International Court of Justice on the issue, in particular, that an obligation existed to pursue and bring to a conclusion negotiations leading to the complete abolition of such weapons.

16. In the efforts towards the further development of the comprehensive legal framework to combat terrorism, the elaboration of rules relating to illegal financing of terrorist activities would complement the existing anti-terrorism conventions and those relating to money laundering. Her delegation would participate actively in that future work and in all other efforts to combat terrorism.

17. **Mr. Klisović** (Croatia) said that terrorism was a global concern, since it affected the stability of the international system as a whole. Terrorism, by its very nature, was an indiscriminate crime which caused great suffering and seriously affected mental and physical health. For that reason, it should be classified as a crime against humanity in the sense of article 7 of the Statute of the International Criminal Court. In recent years there had been a steady increase in terrorist activities. That called for an immediate, effective and resolute response with a preventive and deterrent effect. Above all, such response must be consistent with international law.

18. The item entitled "Measures to eliminate international terrorism" had been on the General Assembly's agenda for more than 20 years. Substantial progress had been made in establishing the legal framework for fighting terrorism, although not all aspects of the phenomenon had been regulated. Eleven counter-terrorist conventions had been adopted under the auspices of the United Nations, the latest being the Convention for the Suppression of Terrorist Bombings, adopted at the fifty-second session, which contained a strong political statement that the international community was willing to fight terrorism.

19. His delegation was pleased to note that, as a result of the hard work of the Ad Hoc Committee and the Working Group of the Sixth Committee, significant progress had been achieved in only four weeks in elaborating a draft Convention on the Suppression of Acts of Nuclear Terrorism, even though, unfortunately, it had not been possible to resolve the issue of the draft Convention's applicability to military activities. Croatia had been the victim of an act of nuclear terrorism by the Yugoslav Army, which had threatened to destroy a nuclear power plant located in the vicinity of its capital city, and therefore understood only too well the arguments presented by countries which advocated the inclusion of military activities in the draft Convention. Indeed, the knowledge, organizational skills and financial resources necessary to carry out acts of nuclear terrorism gave rise to suspicions that States could be involved in their perpetration in various ways. He wished to stress that the possible exclusion of military activities from the draft Convention, as in the case of the International Convention for the Suppression of

Terrorist Bombings, did not imply a priori legality or impunity under international law. The draft Convention in no way exempted members of military forces from individual accountability and prosecution where their conduct had been unlawful. In view of the growing danger that terrorists might acquire nuclear materials and the potential damage that could be incurred, the draft Convention should be adopted as soon as possible.

20. While his delegation supported the idea of elaborating a comprehensive draft convention on international terrorism, it would continue to participate in the drafting of legal instruments on specific related issues, which seemed to be a compromise approach that had already yielded some positive results. In that connection, he expressed his delegation's willingness to negotiate an international convention for the suppression of terrorist financing on the basis of the draft text submitted by France.

21. Croatia had concluded many bilateral treaties on cooperation in combating terrorism and was a party to most of the relevant international conventions. Moreover, it was effectively fulfilling its obligations under those treaties. Recently, the Croatian Parliament had adopted a new penal code which focused special attention on crimes connected with terrorism. The next step would be the adoption of a comprehensive national strategy for combating terrorism. Lastly, his delegation believed that an effective fight against terrorism should also address its causes; therefore, prevention should be emphasized over the mere suppression of terrorist acts.

22. **Mr. Soenanda** (Indonesia) said that his delegation fully associated itself with the statement made by the representative of Zimbabwe on behalf of the Movement of Non-Aligned Countries. In recent years, the international community had witnessed random acts of terrorism, which had heightened its concerns; only effective international cooperation and concerted action could contend with the manifestations of terrorism. In that connection, his delegation supported the content of the Final Document of the Twelfth Summit of Heads of State or Government of the Non-Aligned Countries, held in Durban, South Africa, which had welcomed with satisfaction the adoption by the General Assembly of the Declaration on Measures to Eliminate International Terrorism and the International Convention for the Suppression of Terrorist Bombings. The promotion of cooperation at all levels was a sine qua non for the elimination of terrorism. Accordingly, multilateral and bilateral technical cooperation should be encouraged on the basis of the principles of sovereignty and mutual understanding and benefit.

23. Indonesia had established a Commission on Crime Prevention and Criminal Justice, with the Ministry of Justice acting as the focal point for intersectoral coordination and consultation. It had also introduced a legislative policy on terrorism within the penal code and concluded agreements with neighbouring countries on extradition and mutual assistance. At the international level, Indonesia had ratified a number of international conventions, including the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo in 1963; the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague in 1970; the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal in 1971; and the Convention on the Physical Protection of Nuclear Material, signed at Vienna in 1980. It was also considering the ratification of other international treaties and conventions on terrorism.

24. The elaboration of a draft convention on the suppression of nuclear terrorism constituted a significant step forward in the concerted effort to combat terrorism in all its forms and manifestations. It was a timely initiative, particularly in the light of the growing threat of the use of nuclear or radioactive material by irresponsible individuals or groups. However, a number of provisions of the draft Convention warranted further consideration. In view of the importance of the subject, decisions should not be adopted hastily; rather, efforts should be made to achieve the widest possible consensus, taking into account the diverse views of Member States, particularly those of the developing countries.

25. As to future action on the item, the proposal of the Movement of Non-Aligned Countries on the convening of an international summit conference under the auspices of the United Nations in order to consider all terrorist acts was worthy of support. Such a conference would be the most appropriate forum in which to continue working towards a consensus, understanding and a clearer definition of terrorism. Such efforts should be guided by the Charter of the United Nations and the relevant decisions of the General Assembly, the Movement of Non-Aligned Countries, the Organization of the Islamic Conference and the Organization of African Unity.

26. **Ms. Defensor Santiago** (Philippines) said that international cooperation was essential in combating the problem of terrorism. Nonetheless, the elaboration of legal instruments, such as the International Convention for the Suppression of Terrorist Bombings or the draft international convention on the suppression of nuclear terrorism was not sufficient to eliminate that scourge; such efforts must be complemented by political initiatives that dealt with the

causes of terrorism and other underlying problems, such as foreign occupation and poverty.

27. Thanks to the efforts of the Sixth Committee, fewer and fewer States were lending direct or indirect support to terrorists, although assistance by even one country would be sufficient to render the work of the International Law Commission ineffective.

28. Terrorists made use of technical advances characteristic of the global economy, which stimulated the unimpeded movement of capital. The proposal to prepare an international convention for the suppression of terrorist financing was therefore commendable. Her delegation saw nothing wrong with preparing separate conventions on the various manifestations of terrorism rather than dealing with the phenomenon as a whole. A proliferation of instruments compelled the international community to ensure consistency among them and to avoid unintended consequences in such areas as humanitarian law, nuclear non-proliferation and State terrorism. Additionally, the legitimate right of peoples to self-determination should not be undermined.

29. **Ms. Willson** (United States of America) said that the terrorist attacks committed on 7 August 1998 against the United States Embassies in Nairobi and Dar es Salaam had shaken not only the friends and families of the victims, but also the residents of those countries, whose peaceful existence had been violently disturbed. In a statement following the attacks, the Ambassadors of African countries to the United States had recognized that terrorism was a threat to everyone and called for African countries and the United States to strengthen their cooperation in the universal battle against terrorism. Success in that struggle depended on denying support, sanctuary and financial assistance to terrorists, bringing pressure on States that offered such support to desist, and ensuring that all States acceded to the anti-terrorist conventions.

30. The Sixth Committee was undertaking a laudable effort to elaborate conventions to address various aspects of terrorism, such as the International Convention for the Suppression of Terrorist Bombings, the draft international convention on the suppression of acts of nuclear terrorism, and the draft international convention for the suppression of the financing of terrorism. The United States favoured a step-by-step approach to developing international law in that area, and continued to have reservations with regard to the convening of a conference to define terrorism.

31. The Group of Eight (Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America) had launched an international campaign to promote, by the year 2000, the universal adoption and ratification of the existing international conventions against terrorism. Under those conditions, terrorists would no longer be able to escape justice.

32. In recent years, a growing number of terrorists had been convicted and imprisoned for their crimes, thanks to increased international cooperation. In that regard, the United States had trained more than 20,000 law-enforcement officials from more than 90 countries in such areas as airport security, bomb detection, maritime security, hostage rescue and crisis management.

33. She noted that in addressing the General Assembly in 1998, the President of the United States had called on the international community to give top priority to the joint struggle against terrorism. She also expressed appreciation for the emphasis placed on the need for international cooperation by numerous delegations, including those of the European Union, the Movement of Non-Aligned Countries and the Rio Group.

34. **Mr. Danesh-Yazdi** (Islamic Republic of Iran) said that his country, which had suffered the blows of international terrorism, condemned that phenomenon in all its forms and manifestations. He recalled in particular the terrorist bombing of a Tehran court in the summer of 1998 and the murder of Iranian diplomats by terrorists in Afghanistan in August of the same year.

35. As a victim of terrorism, the Islamic Republic of Iran had taken the necessary steps to combat it internally as well as internationally, as demonstrated by the anti-terrorist conventions that it had ratified to date. Moreover, his Government's categorical rejection of terrorism was reflected in the Tehran Declaration of the Eighth Islamic Summit Conference of December 1997, which affirmed that the killing of innocent people was contrary to the principles of Islam. President Khatami had also reiterated the Government's categorical opposition to terrorism before the General Assembly of the United Nations in 1998, and the Ministers for Foreign Affairs of the Islamic Republic of Iran and the Russian Federation had issued a joint statement on 26 September 1998 condemning terrorist acts, including those in Omagh, Nairobi and Dar es Salaam.

36. The fact that terrorist crimes continued to be committed was an indication that the national and international measures adopted to date were insufficient, and that a comprehensive approach was required to combat them. In that regard, his delegation supported the position of the Movement of Non-Aligned Countries as reflected in the final document of the Movement's Twelfth Summit Conference, held in Durban, South Africa, in September 1998.

37. A selective approach to the problem that appeared to be gaining ground had the potential for some success but constituted no panacea. While bearing in mind the flaws in that approach, his delegation welcomed the proposal of France on the elaboration of an international convention for the suppression of the financing of terrorism. In that regard, every effort should be made to address the issue of the definition of terrorism. Moreover, the proposed convention should prohibit the granting of safe haven to terrorists, as that was tantamount to creating ideal conditions for their fund-raising activities.

38. He also noted that the draft international convention on the suppression of acts of nuclear terrorism submitted by the Russian Federation was ready for acceptance and should be adopted by consensus as soon as possible, as it would be a noteworthy contribution to combating international terrorism.

39. **Mr. Abdelaziz** (Egypt) said that, unfortunately, any nation or people was a potential victim of terrorism, a criminal phenomenon whose appearance on the international scene Egypt had been among the first countries to warn against. Egypt had acted against terrorism in a concerted manner both nationally and internationally. At the national level, it had undertaken a series of legislative and administrative steps aimed at curbing terrorism by introducing prevention schemes in the areas of culture, society, economy and security. Internationally, Egypt was a party to 10 international multilateral conventions pertaining to international terrorism, and was participating actively in all current negotiations aimed at introducing new norms for suppressing that abhorrent phenomenon. Egypt had also responded to the request by the Secretary-General that all States should submit information on measures taken at the national and international levels regarding the prevention and suppression of international terrorism, as well as information on incidents caused by international terrorism, in accordance with General Assembly resolution 50/53. The information submitted by Egypt was contained in document A/53/341/Add.1.

40. Over the years, the Sixth Committee had come to play a particularly instrumental role in combating terrorism by formulating guidelines and new norms through which the international community could coordinate action to suppress that phenomenon. Among the principal topics on the Committee's agenda was the draft international convention for the suppression of acts of nuclear terrorism. In that regard, Egypt associated itself with the statement by the representative of Zimbabwe on behalf of the Movement of Non-Aligned Countries.

41. His delegation appreciated the efforts made and the great progress achieved by the Working Group. However, in view of the importance and sensitivity of the subject, it was only natural that delegations should voice their concerns over some issues, such as the scope of the convention, an issue on which Egypt was confident that a solution would be reached through further consultations, taking into account the need to strike the correct balance.

42. As to the Ad Hoc Committee's future programme of work, Egypt supported the inclusion of the draft international convention for the suppression of terrorist financing, submitted by France. That was a subject of the utmost importance, as was the conclusion of a comprehensive international convention on the suppression of terrorism. Egypt urged the Committee to take a decision to begin work on that subject as soon as an international convention for the suppression of terrorist financing was adopted.

43. In view of the importance of an exchange of views in order to arrive at a comprehensive regime for combating terrorism, Egypt supported the convening of an international conference in the year 2000, under the auspices of the United Nations, which would guide the international community in dealing with that issue. In September 1998, in Durban, President Mubarak's call for the convening of such a conference had been endorsed by the Heads of State or Government of the Movement of Non-Aligned Countries. The convening of that conference, at which the Secretary-General of the United Nations should play a crucial role, would demonstrate to the whole world the determination of the international community to prevent and firmly combat any terrorist activities in the future.

44. **Mr. Erdős** (Hungary) said that Hungary firmly believed that, for the scourge of terrorism to be successfully suppressed, there must be no safe havens for terrorists, and that objective could only be achieved through the establishment of a global system based on a unified international approach and effective regional cooperation. At the same time, it was necessary to develop a network of national legislative measures that would ensure the investigation, apprehension, prosecution, extradition and punishment of terrorists.

45. Realizing the need for effective regional cooperation, Hungary had concluded a series of bilateral treaties on the subject with about 20 European States, including its neighbours, with the exception of the Federal Republic of Yugoslavia. In 1996, Hungary had acceded to the European Convention on the Suppression of Terrorism. There had also been ever-increasing cooperation in that sphere with the member States of the European Union, and preparations for

Hungary's early integration into Euro-Atlantic security and economic organizations would lead to the adoption of national norms and methods which would enhance Hungary's capabilities to fight terrorism. At the international level, Hungary had ratified ten of the eleven major international conventions pertaining to terrorism, with the exception of the International Convention for the Suppression of Terrorist Bombings, which it would ratify in due course.

46. Hungary believed that the momentum must be maintained with regard to the development of a comprehensive legal framework of conventions relating to international terrorism, and it wished to put on record its satisfaction with the text of the draft international convention for the suppression of acts of nuclear terrorism. Although there were disagreements about some elements of the text, especially its scope, agreement could be reached in a timely manner if constructive discussions and the spirit of compromise which had prevailed throughout the session of the Working Group continued. It should be noted that the convention would be fully integrated with existing international legal instruments in the international legal sphere so as to fill the gaps with regard to terrorist acts and the protection of nuclear material, so that there would be no overlap between the various conventions or blurring of the dividing lines between them.

47. Hungary attached great importance to the adoption of the convention, since it would provide an excellent basis for proactive international cooperation, and hoped that it would serve as a deterrent and that some of its provisions would not have to be invoked, especially article 2, paragraph 1 (b) concerning the actual use of radioactive material by terrorists.

48. Hungary believed that the Committee's next step should be to develop an international convention for the suppression of terrorist financing, on the basis of the French initiative, during the debate on which the Committee might be able to arrive at a reasoned conclusion on whether the situation was ripe for the elaboration of a comprehensive convention on international terrorism.

49. **Mr. Tankoano** (Niger) said that his delegation supported the statement made by the representative of Zimbabwe on behalf of the Movement of Non-Aligned Countries. Niger reaffirmed its condemnation of international terrorism and of the use of violence, and therefore condemned the attacks which had been carried out in August 1998 in Dar es Salaam and Nairobi. It also rejected unilateral recourse to the use of force against sovereign States, since any action against international terrorism must remain within the framework of international law. In order to combat terrorism, joint action by the international community was required; Niger therefore joined the majority of States Members of the United Nations in support of the elaboration and adoption of an international convention to combat all forms of international terrorism.

50. In view of the threat of terrorism, a number of legal instruments had been adopted to coordinate the efforts of the international community in combating that scourge. In that respect, Niger had ratified the following conventions: the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. It would also be ratifying other legal instruments, in particular the International Convention for the Suppression of Terrorist Bombings, the International Convention against the Taking of Hostages and the Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

51. At the national level, under article 121 of the 1996 Constitution, international treaties which had been ratified took precedence over national laws. In addition, the Penal Code punished crimes which were included in international instruments. Niger was currently considering the draft international convention for the suppression of terrorism financing submitted by France, to which it attached great importance, and would inform the Committee of the results of that consideration.

52. **Ms. Arystanbekova** (Kazakhstan) said that, in view of the grave threat to the security, stability and development of the international community posed by terrorism throughout the world, the most effective means of countering it and eradicating it was international cooperation, in which the United Nations undoubtedly must play a central role. Kazakhstan was in favour of the continued development of legal frameworks to regulate the anti-terrorist efforts of States. In that connection, it attached great importance to the Declaration on Measures to Eliminate International Terrorism, of 1994, and the supplementary Declaration of 1996. It also noted with satisfaction the adoption of the International Convention for the Suppression of Terrorist Bombings, which was more progressive and broader in nature than other international agreements relating to

terrorism, and in respect of which domestic procedures for signature were under way in Kazakhstan.

53. In view of the growing danger of terrorists obtaining nuclear material, the adoption of an international instrument on the suppression of acts of nuclear terrorism was becoming increasingly necessary. Despite the fact that the provisions of the draft convention still gave rise to some disagreement, *inter alia*, as to its area of application, his delegation's position was that an international legal regime which would prevent the commission of acts of nuclear terrorism should be established as soon as possible.

54. His country was a party to seven international conventions in the field of international terrorism. On 1 January 1998, a new Criminal Code had entered into force which defined the crime of terrorism and provided for criminal responsibility for some of its manifestations, while absolving from criminal responsibility persons participating in the preparation of an act of terrorism who provided timely warning to the authorities or in some other way facilitated prevention of the commission of that act. The actions taken by his country's law enforcement authorities to prevent crimes closely related to terrorist activity, including illegal arms and drug trafficking, money laundering and the smuggling of nuclear material and other materials dangerous to people's lives and health, were also reliable mechanisms for combating terrorism.

55. **Mr. Rivero Rosario** (Cuba) associated himself with the position taken by the Movement of Non-Aligned Countries at its recent summit conference, held in Durban, South Africa, that international cooperation in combating terrorism must be conducted in conformity with the principles of the Charter of the United Nations, international law and the relevant international conventions, and that selective and unilateral actions which violated the principles of respect for sovereignty, territorial integrity and non-interference in the internal affairs of States must be rejected. His delegation had joined in the consensus on the relevant resolutions adopted by the General Assembly, particularly resolution 51/210. However, it had reservations about the sectoral approach which had characterized the Ad Hoc Committee's work and associated itself with the repeated call by the Movement of Non-Aligned Countries for a comprehensive legal framework to be created to combat terrorism and for a general definition of that crime to be adopted. Accordingly, it supported the Movement's call for an international conference on terrorism to be held under United Nations auspices.

56. His delegation acknowledged the constructive effort made by the Russian Federation in preparing a draft international convention on the suppression of acts of nuclear terrorism. Turning to the latest version of the draft, however, it wished to reiterate its earlier comments. Firstly, the definitions in article 1 did not conform to those in use in the existing international treaty regime in the nuclear field and on the physical protection of nuclear material. Secondly, article 2 contained formulations such as "substantial damage" which were open to various interpretations, and questionable concepts such as "use or damage a nuclear facility" or "credible threat". Thirdly, the provisions of article 4, especially those exempting from the scope of the draft convention "activities of armed forces [of a State] during an armed conflict", were used to sustain a questionable exception which had the effect of recognizing an alleged right of such "forces" to use and traffic in nuclear or radioactive material, on the pretext of the exercise of "official duties" and "inasmuch as [such activities] are governed by (...) international law". Those provisions did not take account of the fact that the international community disputed the legality of the use or the threat of the use of nuclear weapons. His delegation therefore reiterated the need to agree on a broad definition of terrorism which included State terrorism and condemned terrorist acts in all their forms and manifestations.

57. It was counter-productive that some countries which were spearheading the effort to combat international terrorism and nuclear terrorism had been opposed to defining as a crime, under the draft convention, the possession or manufacture of radioactive or nuclear material for the purpose of causing damage to the environment. Moreover, there would be little credibility in condemning and prosecuting those who allegedly "trafficked" in nuclear material for the purpose of committing acts of nuclear terrorism, while failing to recognize the responsibility of the major possessors of such material, who were their direct suppliers.

58. His delegation believed that the draft convention should respect the institution of extradition, and its different regimes, as recognized in States' internal legal systems and in bilateral agreements concluded on that subject. Moreover, the draft convention should not interfere in the recognized sphere of competence of the International Atomic Energy Agency (IAEA) or in its functions under the Convention on the Physical Protection of Nuclear Material. Furthermore, in order to combat nuclear terrorism effectively, States which had confiscated nuclear material must be persuaded to assume precise obligations concerning its return to the States to which it belonged, and States which had the necessary nuclear know-how and technology must be

persuaded to assume specific commitments to provide international assistance and cooperation.

59. Lastly, his delegation associated itself with the statement made by the representative of Zimbabwe on behalf of the Movement of Non-Aligned Countries, to the effect that delegations needed more time to pursue negotiations on the draft convention for the suppression of acts of nuclear terrorism.

60. **Mr. Ogonowski** (Poland) associated himself with the statement made by Austria on behalf of the European Union. His country, being a party to most of the global instruments pertaining to international terrorism, strongly supported further development of the international legal framework dealing with terrorism, in accordance with the relevant resolutions of the General Assembly. It was also important to continue work on the draft framework convention against organized crime, presented by his delegation two years previously. The adoption by the General Assembly, in December 1997, of the International Convention for the Suppression of Terrorist Bombings had been a major step forward. His delegation was also gratified that the Working Group on the draft convention for the suppression of acts of nuclear terrorism had made significant progress. The draft convention dealt exhaustively with nuclear terrorism and would allow States to cooperate and exchange information and would require them to adopt measures to ensure the protection of radioactive material. It was also commendable that none of the offences covered by the draft convention were to be regarded as political or politically motivated, thereby considerably narrowing the grounds for refusal of extradition. His delegation hoped that the General Assembly would adopt the draft convention at its current session. Lastly, it welcomed the proposal by France for the drafting of a convention for the suppression of the financing of international terrorism.

61. **Mr. Valle** (Brazil) associated himself with the statement made by Panama on behalf of the Rio Group countries and said that, strange and unfortunate as that might seem, globalization might, to some extent, have fuelled terrorism. Spanning the borders of an ever smaller and yet more complex world, terrorism was at one and the same time a local, regional, international and transnational crime that could strike anywhere and affect anyone. In that connection, his Government had strongly condemned the terrorist acts against the United States Embassies in Kenya and Tanzania and had supported the adoption of Security Council resolution 1189 (1998).

62. Within Brazil, coordination between the Ministry of Foreign Affairs, the Ministry of Justice and the federal police was being improved in order to prevent the national territory from being used in any way to support terrorist activities or to provide terrorists with a safe haven. The 1998 Constitution placed terrorist acts in the category of the most serious crimes or felonies. With regard to extradition, Brazil's domestic legislation defined terrorism as a political crime, but it allowed for the Supreme Court to consider terrorist acts as common crimes. In the context of the reform of the Criminal Code, the Brazilian Congress was at an advanced stage of examining legislation that would typify terrorist activities as common felonies.

63. Regionally, his country participated in a number of coordination efforts, ranging from the Rio Group and such initiatives as the Lima Declaration and Plan of Action and the recent Declaration of Panama to the Inter-American Specialized Conference, which envisaged the promotion of closer cooperation in combating terrorism at the hemispheric level.

64. Multilaterally, his country was firmly committed to fighting terrorism, which it perceived as one of the most dangerous sources of instability. His delegation supported all means compatible with the Charter of the United Nations and the provisions of international law to eliminate that threat to international peace and security. The task of the international community, the United Nations and, more specifically, the Sixth Committee was to contribute to that effort by helping to strengthen the tools of international law designed to identify, condemn and do away with the phenomenon of terrorism. International cooperation must be expanded and improved in order to bring to justice those responsible for indiscriminate acts of violence. It was important to share databases and improve information flows that could lead to the identification of terrorist groups and thus to their dissolution.

65. The virulence of acts of terrorism, now magnified by the use of sophisticated technology, called for an equally sophisticated set of multilateral actions. To a certain extent, terrorism could be seen as a way of crystallizing hate and fear, as well as instability and destructiveness; international law, on the other hand, was more than a method of fighting terrorism: potentially, it was a programme for international peace and stability. The review of the issue of terrorism conducted in the Sixth Committee over the past five years had already produced an important instrument, the Convention for the Suppression of Terrorist Bombings, which met the international community's needs, particularly where legal cooperation was concerned. His country was considering signing the Convention soon.

Two major trends had developed with respect to ways hich legal tools could be used to eliminate the scourge errorism. On one hand, there had been a consolidation "network" of conventions related in one way or another he issue of international terrorism. On the other hand, e was the conviction that the issue of terrorism had yet e further conceptualized and thus undergo a process that ld eventually lead to a universal definition of terrorism. ome delegations' view, that process could be carried out e easily if an international conference was convened at highest level of representation to deal not only with the of conceptualization but also to raise international reness of the problem of terrorism even more and show orists everywhere that nations were closely united in ting that menace. The international community should sue work on both tracks, since the two approaches in stion did not necessarily contradict one another and could fact be complementary. Additional discussion of the ter should therefore be encouraged, with a view to lding a consensus.

Mrs. Kalema (Uganda) expressed appreciation for the retary-General's report on international terrorism 53/314), which provided useful information on national international measures to combat terrorism. International orism had escalated across the globe; in that connection, recalled the bomb attacks in Nairobi, Dar es Salaam and and, which had caused untold devastation. Her delegation ngly condemned all acts, methods and practice of orism regardless of who committed them and for what pose, because they targeted the lives and property of ocent people, violated basic human rights and posed a ious threat to regional and international peace and urity. In the aftermath of the terrorist acts that had taken ce in Kenya and the United Republic of Tanzania, her ntry had faced many terrorist threats, and her vernment had therefore tightened security and stepped up operation with other Member States with respect to the hange of information and the arrest and prosecution or radition of perpetrators of terrorist acts. It was also mining the International Convention for the Suppression Terrorist Bombings with a view to becoming a party as n as possible. In addition, it had ratified a number of rnational legal instruments relating to various aspects of orism and its suppression.

Her delegation welcomed the progress achieved by the Hoc Committee in elaborating a convention on nuclear orism. It noted, nonetheless, that there were serious standing issues, including those relating to articles 4, 18, and a number of preambular paragraphs. In that regard, delegation wished to associate itself with the statement made by Zimbabwe on behalf of the Movement of Non-Aligned Countries. It hoped that the ongoing consultations would yield acceptable solutions that would take into consideration the views stated and comments made by the members of the Non-Aligned Movement.

69. Uganda looked forward to the Ad Hoc Committee taking up consideration of the draft international convention for the suppression of terrorist financing prepared by France (A/C.6/53/9) and the draft comprehensive convention on terrorism prepared by India (A/C.6/51/6). It also welcomed such other initiatives as holding an international conference under United Nations auspices to respond to terrorism in all its forms and manifestations.

70. Her delegation took special note of the report of the International Civil Aviation Organization (ICAO) (A/53/314, sect. II.B), which indicated a downward trend in unlawful interference with civil aviation in the 1990s. Her delegation also commended ICAO for its training programmes in aviation security, as well as the United Nations Educational, Scientific and Cultural Organization for its educational activities. Training in combating terrorism and acquisition of technical knowledge of the subject remained a priority for developing countries. Furthermore, her delegation looked forward to the plan of the Centre for International Crime Prevention to launch a study on the root causes of terrorism and measures to counter it, including training.

71. **Mr. De Saram** (Sri Lanka) said that his country had been suffering for well over a decade from terrorism, which was funded by means of illicit trafficking in narcotic drugs, illicit trafficking in arms, and money-laundering. The Sixth Committee must therefore prepare an international convention for the suppression of terrorist funding, as proposed by France. Moreover, delegations must hold consultations in order to solve the difficulties they had with some of the provisions of the draft international convention for the suppression of acts of nuclear terrorism, which Sri Lanka regarded as an acceptable text.

72. With regard to regional efforts to combat terrorism, he said that a meeting was scheduled to be held in Sri Lanka in December 1998 to review national progress in the implementation of the provisions of the Regional Convention on Suppression of Terrorism, adopted by the South Asian Association for Regional Cooperation in Kathmandu, Nepal, in 1987.

73. **Mr. Mohamed** (Sudan) speaking in exercise of the right of reply, said that the United States delegation had mentioned that the President of the United States had, in his address to the United Nations General Assembly, called on

States to work together to combat terrorism. However, the United States did not practice what it preached since it had attacked a pharmaceutical plant in Khartoum, under the pretext that the plant was producing chemical weapons.

74. **Ms. Willson** (United States of America), speaking on a point of order, said that the Sudanese delegation was not speaking in exercise of the right of reply, since her delegation had simply stated a number of widely accepted principles. The Sudanese delegation was merely taking the opportunity to make a further statement in the Committee.

75. **Mr. Mohamed** (Sudan) said that the United States Government was aware that the Sudan did not intend to manufacture chemical weapons and that it did not have the capacity to do so. Moreover, the United States Government opposed an independent investigation in that connection because it knew that the Khartoum plant had been producing neither chemical weapons nor the corresponding precursors.

The meeting rose at 1.05 p.m.